

**CALFRESH REQUEST FOR POLICY INTERPRETATION****PI# 18-24**

**INSTRUCTIONS:** Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Retain a copy for your records and submit via email to CalFresh-PI@dss.ca.gov.

**Please note:** the policy interpretation provided is based on the unique set of facts presented and should not be assumed to apply in all scenarios.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input checked="" type="checkbox"/> Other: Fair Hearing		5. DATE OF REQUEST: 02/26/2018	NEED RESPONSE BY: 03/05/2018
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION: Santa Barbara County	
3. PHONE NO.:      EMAIL:		7. SUBJECT: Drug or Alcohol Treatment Facilities	
4. REGULATION CITE(S): 63-402.4, 63-503.472(a), 7 CFR 273.1(b)(7)(vi)		8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> NOTE: All requests must have a regulation cite(s) and/or a reference(s).	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

A client is residing at a Drug/Alcohol treatment facility. It is unknown if the individual receives 3 meals per day at the facility. Questions:

- 1) Can an individual residing in a Drug or Alcohol (D/A) treatment facility receive CalFresh?
- 2) If an individual is receiving 3 meals per day at a D/A facility, are they eligible for CalFresh?
- 3) Is it required for these facilities to be FNS Certified?

10. REQUESTOR'S PROPOSED ANSWER:

- 1) Per 63-402.4, Narcotic addicts or alcoholics who reside at a treatment center for the purpose of regular participation in a treatment and rehabilitation program are not considered residents of institutions, and therefore would be eligible to CF.
- 2) Per Federal regulations at 7 CFR 273.1(b)(7)(vi), individuals must be considered residents of institutions if the institution provides them with the majority of their meals (over 50% of three meals daily). 63-402.4 states that individuals residing in D/A treatment centers are not considered residents of institutions, therefore an individual receiving 3 meals per day would be eligible to CF.
- 3) Per 63-503.472(a), Prior to certifying any residents for food stamps, the CWD shall verify that they treatment center is authorized by FNS as a retailer.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

- 1) Based on the proposed answer to question #1, CDSS concurs with the county's proposed answer. Per CFR 273.1(b)(7)(vi), these individuals can participate in the program and must be treated as a separate households from others with whom they reside with. The children residing with them at the facility can be a part of household but not the spouse.
- 2) Based on the question and proposed answer #2, CDSS concurs with the first sentence of your response. If the institution is providing the majority of the meals to the residents as part of the institutions' normal services they are not eligible for CalFresh. If the treatment or rehabilitation center does not provide meals to the spouse and/or family members residing at the center, the spouse and/or family members are considered roomers and may participate in the CalFresh program as separate households if otherwise eligible.
- 3) Based on the proposed answer to question 3, CDSS concurs with the county's proposed answer.

**FOR CDSS USE**

DATE RECEIVED:  
2/27/2018

DATE RESPONDED TO COUNTY/ALJ:  
SV 3/15/2018